Plant Patent Application Serial No. 09/664,247 Confirmation No. 4085 Attorney Docket No.: 2384-001440

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No. 09/664,247

Filing Date: September 18, 2000

Appellant: ELSNER, WILHELM

Examiner - Susan B. McCormick

Art Unit 1661

Pittsburgh, Pennsylvania March 14, 2003

COMMUNICATION

Commissioner for Patents Washington, D.C. 20231

Sir:

Applicant hereby waives the right to file a Reply Brief in the aboveidentified matter. Prompt transfer of this Appeal to the Board of Patent Appeals and Interferences is respectfully requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to Commissioner of Patents, Washington, D.C. 20231 on the

date shown below.

03/14/03 Date

Helen L. Gerace

Typed Name of Person Signing Certificate

Signature

Russell D. Orkin

Registration No. 25,363

Attorney for Applicant

436 Seventh Avenue

700 Koppers Building

Pittsburgh, PA 15219-1818

Telephone: (412) 471-8815

Facsimile: (412) 471-4094

E-mail: webblaw@webblaw.com

{W0049086.1}

412 471 4094 P.01. P.01. P.C.

WEBB ZIESENHEIM LOGSDON ORKIN & HANSON, P.C.

700 Koppers Building436 Seventh Avenue

Pittsburgh, PA 15219-1818

Telephone: 412-471-8815

Facsimile: 412-471-4094

E-mail: webblaw@webblaw.com

FACSIMILE INFORMATION SHEET

Name of Individual: S	Susan B. McCormick
Company:	United States Patent and Trademark Office
City and State:	
Facsimile Number:	703-746-3127
From:	Russell D. Orkin
Total Number of Pages:	2 (including Information Sheet)
Date Transmitted:	March 14, 2003
Message:	Thank you for your prompt attention to this matter.

If you do not receive all pages, please call back as soon as possible. The number is (412) 471-8815.

STATEMENT OF CONFIDENTIALITY

The information in this facsimile is <u>privileged</u> and <u>confidential</u> and is intended only for the use of the named recipient. Disclosure or copying of this document or its contents other than by the named recipient is prohibited. If this document is received in error, it should be returned to sender.

If there are any reception problems, please call 412-471-8815.